

105TH CONGRESS
2D SESSION

S. 1796

To amend the Higher Education Act of 1965 to increase postsecondary education opportunities for Hispanic students and other student populations underrepresented in postsecondary education.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1998

Mr. BINGAMAN (for himself, Mr. INOUE, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Higher Education Act of 1965 to increase postsecondary education opportunities for Hispanic students and other student populations underrepresented in postsecondary education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Higher Education for the 21st Century Act”.

6 (b) REFERENCES.—Except as otherwise specifically
7 provided, whenever in this Act an amendment or repeal
8 is expressed as an amendment or repeal of a section or

1 other provision, the reference shall be considered to be
 2 made to that section or provision in the Higher Education
 3 Act of 1965 (20 U.S.C. 1001 et seq.).

4 **SEC. 2. HISPANIC-SERVING INSTITUTIONS.**

5 (a) IN GENERAL.—Title III (20 U.S.C. 1051 et seq.)
 6 is amended—

7 (1) by redesignating parts C and D (20 U.S.C.
 8 1065 et seq. and 1066 et seq.) as parts E and F,
 9 respectively;

10 (2) by redesignating section 331 (20 U.S.C.
 11 1065) as section 341;

12 (3) by redesignating sections 351, 352, 353,
 13 354, 356, 357, 358, and 360 (20 U.S.C. 1066,
 14 1067, 1068, 1069, 1069b, 1069c, 1069d, and 1069f)
 15 as sections 361, 362, 363, 364, 365, 366, 367, and
 16 368, respectively;

17 (4) by repealing section 316 (20 U.S.C. 1059c);
 18 and

19 (5) by inserting after part B the following:

20 “PART C—HISPANIC-SERVING INSTITUTIONS

21 **“SEC. 331. FINDINGS.**

22 “Congress makes the following findings:

23 “(1) The disparity in educational opportunity
 24 between Hispanics and other Americans has become
 25 increasingly apparent. Hispanic student participa-

1 tion in higher education has remained basically stag-
2 nant with only 8 percent of Hispanic students at-
3 tending higher education, and with Hispanic stu-
4 dents experiencing a high school drop out rate in ex-
5 cess of 30 percent. Hispanics have the lowest college
6 participation rates of any major race or ethnic group
7 and attain degrees at a much lower rate than white
8 students.

9 “(2) Efforts to correct this severe underrep-
10 resentation of Hispanics in postsecondary education
11 have been woefully inadequate. All too often, re-
12 sponses that could be found were targeted too broad-
13 ly, constructed too narrowly, or underfunded. With
14 the single exception of the Pell Grant program, Fed-
15 eral higher education programs severely underserve
16 Hispanics.

17 “(3) Hispanic-serving institutions of higher
18 education have contributed significantly to providing
19 equal educational opportunities for Hispanic stu-
20 dents, particularly students from low-income and
21 educationally disadvantaged families. Hispanic-serv-
22 ing institutions serve a unique function within the
23 Nation’s higher education community. While con-
24 stituting only 3 percent of the Nation’s higher edu-
25 cation institutions, they served more than half of all

1 Hispanic students enrolled in postsecondary edu-
2 cation.

3 “(4) Hispanic-serving institutions shoulder the
4 burden of providing high-quality educational oppor-
5 tunities for the fastest growing segment of the Na-
6 tion’s population. This population has the Nation’s
7 highest secondary school drop out rate and an ex-
8 ceedingly low level of participation in Federal higher
9 education intervention programs such as Upward
10 Bound. It also has historically been subjected to
11 educational, economic, and political discrimination.
12 Absent the existence of these necessary and critical
13 institutions, Hispanic students would be less likely
14 to have access to the benefits of postsecondary edu-
15 cation. However, many Hispanic-serving institutions
16 lack adequate institutional and financial resources to
17 fully meet the growing postsecondary educational
18 needs of this target population.

19 “(5) Providing financial assistance to eligible
20 Hispanic-serving institutions to enable them to
21 strengthen their institutional, academic, and fiscal
22 resources, and to increase their services for Hispanic
23 and other low-income, educationally disadvantaged
24 students will increase the institutions’ viability and
25 self-sufficiency and will enable Hispanic-serving in-

stitutions to meet better the critical 21st century
needs of the Nation.

“SEC. 332. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary shall provide
grants and related assistance to Hispanic-serving institu-
tions to enable such institutions to improve and expand
their capacity to serve Hispanic students and other low-
income individuals.

“(b) AUTHORIZED ACTIVITIES.—

“(1) TYPES OF ACTIVITIES AUTHORIZED.—
Grants awarded under this section shall be used by
Hispanic-serving institutions of higher education to
assist such institutions to plan, develop, undertake,
and carry out programs.

“(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—
Such programs may include—

“(A) purchase, rental, or lease of scientific
or laboratory equipment for educational pur-
poses, including instructional and research pur-
poses;

“(B) renovation and improvement in class-
room, library, laboratory, and other instruc-
tional facilities;

“(C) support of faculty exchanges, and fac-
ulty development and faculty fellowships to as-

1 sist in attaining advanced degrees in their field
2 of instruction;

3 “(D) curriculum development and aca-
4 demic instruction;

5 “(E) purchase of library books, periodicals,
6 microfilm, and other educational materials;

7 “(F) funds and administrative manage-
8 ment, and acquisition of equipment for use in
9 strengthening funds management;

10 “(G) joint use of facilities such as labora-
11 tories and libraries; and

12 “(H) academic tutoring and counseling
13 programs and student support services.

14 **“SEC. 333. GRANTS FOR GRADUATE AND PROFESSIONAL**
15 **PROGRAMS.**

16 “(a) IN GENERAL.—The Secretary shall provide
17 grants and related assistance to Hispanic-serving institu-
18 tions with graduate and professional programs to enable
19 such institutions to improve and expand graduate and pro-
20 fessional opportunities for Hispanic students and other
21 students underrepresented in graduate education.

22 “(b) AUTHORIZED ACTIVITIES.—Grants awarded
23 under this section shall be used by Hispanic-serving insti-
24 tutions—

1 “(1) to recruit Hispanic students and other stu-
 2 dents underrepresented in graduate education to en-
 3 roll in graduate and professional programs;

4 “(2) to provide stipends for such students;

5 “(3) to increase the capacity of the institution
 6 to serve such students by increasing faculty or coun-
 7 selling services for such students; or

8 “(4) to expand the number of Hispanic and
 9 other underrepresented graduate and professional
 10 students that can be served by the institution by ex-
 11 panding courses and institutional resources.

12 **“SEC. 334. APPLICATION PROCESS.**

13 “(a) INSTITUTIONAL ELIGIBILITY.—Each Hispanic-
 14 serving institution desiring to receive assistance under this
 15 part shall submit to the Secretary such enrollment data
 16 as may be necessary to demonstrate that the institution
 17 is a Hispanic-serving institution as defined in section 336,
 18 along with such other data and information as the Sec-
 19 retary may by regulation require.

20 “(b) APPLICATIONS.—Any institution which is deter-
 21 mined by the Secretary to be a Hispanic-serving institu-
 22 tion (on the basis of the data and information submitted
 23 under subsection (a)) may submit an application for as-
 24 sistance under this part to the Secretary. Such application
 25 shall include—

1 “(1) a 5-year plan for improving the assistance
2 provided by the Hispanic-serving institution to His-
3 panic students and other low-income individuals; and

4 “(2) such other information and assurance as
5 the Secretary may require.

6 “(c) PRIORITY.—With respect to applications for as-
7 sistance under section 332, the Secretary shall give prior-
8 ity to applications that contain satisfactory evidence that
9 such institution has entered into or will enter into a col-
10 laborative arrangement with at least one local educational
11 agency to provide such agency with assistance (from funds
12 other than funds provided under this part) in reducing
13 Hispanic dropout rates, improving Hispanic rates of aca-
14 demic achievement, and increasing the rates at which His-
15 panic secondary school graduates enroll in higher edu-
16 cation.

17 **“SEC. 335. SPECIAL RULE.**

18 “No Hispanic-serving institution that is eligible for
19 and receives funds under this part may receive funds
20 under part A or B during the period for which funds under
21 this part are awarded.

22 **“SEC. 336. DEFINITIONS.**

23 “For purposes of this part:

1 “(1) HISPANIC-SERVING INSTITUTION.—The
2 term ‘Hispanic-serving institution’ means an institu-
3 tion of higher education which—

4 “(A) is an eligible institution under section
5 312(b);

6 “(B) at the time of application, has an en-
7 rollment of undergraduate full-time equivalent
8 students that is at least 25 percent Hispanic
9 students; and

10 “(C) provides assurances that not less than
11 50 percent of its Hispanic students are low-in-
12 come individuals.

13 “(2) LOW-INCOME INDIVIDUAL.—The term
14 ‘low-income individual’ means an individual from a
15 family whose taxable income for the preceding year
16 did not exceed 150 percent of an amount equal to
17 the poverty level determined by using criteria of pov-
18 erty established by the Bureau of the Census.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
20 368(a) (as redesignated by subsection (a)(3)) (20 U.S.C.
21 1069f(a)) is amended—

22 (1) in paragraph (1)—

23 (A) by striking “(A)” after “PART A.—”;

24 (B) by striking “(other than section 316)”;

25 and

1 (C) by striking subparagraph (B);

2 (2) by redesignating paragraph (3) as para-
3 graph (4);

4 (3) in paragraph (4) (as redesignated by para-
5 graph (2))—

6 (A) by striking “C.—” and inserting
7 “E.—”; and

8 (B) by striking “part C,” and inserting
9 “part E,”; and

10 (4) by inserting after paragraph (2) the follow-
11 ing:

12 “(3) PART C.—(A) There are authorized to be
13 appropriated to carry out part C (other than section
14 332), \$80,000,000 for fiscal year 1999, and such
15 sums as may be necessary for each of the 4 succeed-
16 ing fiscal years.

17 “(B) There are authorized to be appropriated
18 to carry out section 332, \$20,000,000 for fiscal year
19 1999, and such sums as may be necessary for each
20 of the 4 succeeding fiscal years.”.

21 **SEC. 3. AMERICAN INDIAN TRIBAL COLLEGES AND UNIVER-**
22 **SITIES.**

23 (a) AMENDMENT.—Title III (20 U.S.C. 1051 et seq.)
24 is amended by inserting after part C (as added by section
25 2(a)(5)) the following:

1 **“PART D—STRENGTHENING AMERICAN INDIAN**
2 **TRIBAL COLLEGES AND UNIVERSITIES**

3 **“SEC. 351. FINDINGS AND PURPOSE.**

4 “(a) FINDINGS.—Congress makes the following find-
5 ings:

6 “(1) Indian tribes are domestic dependent na-
7 tions, which exercise inherent sovereign authority
8 over their members and territories, and as govern-
9 ments, Indian tribes have the authority to admin-
10 ister educational institutions.

11 “(2) Historically, the education system in the
12 United States has encouraged American Indian and
13 Alaska Native students to forgo their Native lan-
14 guage and culture in favor of Western language and
15 culture, and those educational practices have been
16 damaging to Indian students and their communities.

17 “(3) In general, American Indian and Alaska
18 Native youth have a lower economic status than stu-
19 dents in the Nation as a whole, and roughly twice
20 as many American Indian and Alaska Native youth
21 live below the poverty line as compared to youth in
22 the general population.

23 “(4) In general, American Indian and Alaska
24 Native youth have a lower educational attainment
25 level than youth in the Nation as a whole, and only
26 8.9 percent of American Indian and Alaska Native

1 students earn 4-year bachelor's degrees or higher
2 academic degrees compared to 20.3 percent of the
3 students in the Nation as a whole.

4 “(5) Tribal Colleges or Universities have been
5 established by tribal governments to make post-
6 secondary educational opportunities available in
7 American Indian communities, including general
8 equivalency diplomas (GED's), remedial instruction,
9 and academic, vocational, and technical programs
10 similar to those offered by public and private col-
11 leges and universities.

12 “(6) In addition, Tribal Colleges or Universities
13 fulfill unique and vitally important missions of pre-
14 serving, recording, teaching, and fostering Native
15 languages and cultures.

16 “(7) Tribal Colleges or Universities are well
17 suited to serve American Indian communities be-
18 cause Tribal Colleges or Universities are physically
19 located in the communities that they serve and are
20 attuned to Native languages and cultures.

21 “(8) Tribal Colleges or Universities have been
22 hampered by a lack of adequate and stable funding
23 resources because, unlike State land-grant institu-
24 tions, Tribal Colleges or Universities do not have
25 large resource bases to draw on, and Tribal Colleges

1 or Universities generally do not receive State fund-
 2 ing. This lack of funding seriously threatens the con-
 3 tinued viability of some of these institutions.

4 “(9) Based on the United States unique trust
 5 responsibility to American Indians, financial assist-
 6 ance to establish, support, and strengthen the phys-
 7 ical plants, financial management, academic re-
 8 sources, and endowments of the Tribal Colleges or
 9 Universities is appropriate to enhance these institu-
 10 tions and to expand the capacity of these institutions
 11 to serve American Indian students.

12 “(b) PURPOSE.—It is the purpose of this part to im-
 13 prove the academic quality, technological capacity, instruc-
 14 tional management, and fiscal stability of eligible Tribal
 15 Colleges or Universities in order to strengthen the ability
 16 of Tribal Colleges or Universities to make a substantial
 17 contribution to the higher education resources of the Na-
 18 tion.

19 **“SEC. 352. DEFINITIONS.**

20 “For the purposes of this part—

21 “(1) the term ‘Indian’ means a person who is
 22 a member of an Indian tribe;

23 “(2) the term ‘Indian tribe’ means any Indian
 24 or Alaska native tribe, band, nation, pueblo, village,
 25 or community that is recognized as eligible for the

1 special programs and services provided by the
 2 United States to Indians because of their status as
 3 Indians;

4 “(3) the term ‘Tribal College or University’
 5 means an institution of higher education which is
 6 formally controlled, or has been formally sanctioned,
 7 or chartered, by the governing body of an Indian
 8 tribe or tribes, or which meets the criteria for eligi-
 9 bility set forth in section 354(a); and

10 “(4) the term ‘institution of higher education’
 11 means an institution of higher education as defined
 12 by section 1201(a), except that clause paragraph (2)
 13 of such section shall not be applicable.

14 **“SEC. 353. GRANTS TO INSTITUTIONS; GENERAL AUTHOR-**
 15 **IZATION AND USE OF FUNDS.**

16 “(a) GRANTS.—From the amounts made available
 17 under section 368(a)(4) for any fiscal year, the Secretary
 18 shall make grants, to Tribal Colleges or Universities that
 19 meet the requirements of subsection (a) of section 354 and
 20 have applications approved by the Secretary, to carry out
 21 the activity described in subsection (b).

22 “(b) AUTHORIZED ACTIVITIES.—

23 “(1) IN GENERAL.—Grant funds under this sec-
 24 tion may be used for any of the following purposes:

1 “(A) Purchase, rental, or lease of scientific
2 or laboratory equipment for educational pur-
3 poses, including instructional and research pur-
4 poses.

5 “(B) Construction, maintenance, renova-
6 tion, and improvement in classroom, library,
7 laboratory, and other instructional facilities, in-
8 cluding purchase or rental of telecommuni-
9 cations technology equipment or services.

10 “(C) Support of faculty exchanges, faculty
11 development, and faculty fellowships to assist
12 faculty in attaining advanced degrees in their
13 field of instruction.

14 “(D) Academic instruction in disciplines in
15 which American Indians are underrepresented.

16 “(E) Purchase of library books, periodi-
17 cals, and other educational materials, including
18 telecommunications program material.

19 “(F) Tutoring, counseling, and student
20 service programs designed to improve academic
21 success.

22 “(G) Funds management, administrative
23 management, and acquisition of equipment for
24 use in strengthening funds management.

1 “(H) Joint use of facilities, such as labora-
2 tories and libraries.

3 “(I) Establishing or improving a develop-
4 ment office to strengthen or improve contribu-
5 tions from alumni and the private sector.

6 “(J) Establishing or enhancing a program
7 of teacher education designed to qualify stu-
8 dents to teach in elementary or secondary
9 schools, with a particular emphasis on teaching
10 American Indian children and youth, that shall
11 include, as part of such program, preparation
12 for teacher certification.

13 “(K) Establishing community outreach
14 programs which will encourage American Indian
15 elementary school and secondary school stu-
16 dents to develop the academic skills and the in-
17 terest to pursue postsecondary education.

18 “(L) Investing in the technological im-
19 provement of the Tribal College or University’s
20 administration of funds made available to stu-
21 dents under title IV.

22 “(M) Other activities proposed in the ap-
23 plication submitted pursuant to section 354
24 that are approved by the Secretary as part of
25 the review and acceptance of such application.

1 “(2) ENDOWMENT FUND.—

2 “(A) IN GENERAL.—A Tribal College or
3 University may use not more than 20 percent
4 of the grant funds provided under this part to
5 establish or increase an endowment fund at the
6 institution.

7 “(B) MATCHING REQUIREMENT.—In order
8 to be eligible to use grant funds in accordance
9 with subparagraph (A), the Tribal College or
10 University shall provide matching funds from
11 non-Federal sources, in an amount equal to not
12 less than 50 percent of the Federal funds used
13 in accordance with paragraph (1), for the estab-
14 lishment or increase of the endowment fund.

15 “(c) PRIORITY.—In awarding grants under this sec-
16 tion, the Secretary shall give priority to a Tribal College
17 or University that proposes to carry out a program that
18 strengthens the technological capabilities of institutions,
19 as determined by the Secretary.

20 “(d) PLANNING GRANTS.—The Secretary may award
21 a grant under this part to a Tribal College or University
22 for a period of 1 year for the purpose of preparing a tech-
23 nological needs assessment, a plan, and an application for
24 a grant under this section.

1 **“SEC. 354. ELIGIBILITY AND APPLICATIONS.**

2 “(a) **ELIGIBILITY.**—To be eligible to receive assist-
3 ance under this part, an institution shall meet the follow-
4 ing criteria:

5 “(1) **INSTITUTION.**—An institution shall—

6 “(A) receive assistance under the Tribally
7 Controlled Community College Assistance Act
8 of 1978;

9 “(B) receive assistance under part H of
10 title III of the Carl D. Perkins Vocational and
11 Applied Technology Education Act;

12 “(C) receive assistance under the Act of
13 November 2, 1921 (commonly known as the
14 ‘Snyder Act’) (42 Stat. 208, chapter 115; 25
15 U.S.C. 13);

16 “(D) receive assistance under the Amer-
17 ican Indian, Alaska Native, and Native Hawai-
18 ian Culture and Art Development Act; or

19 “(E) receive funding under the Equity in
20 Educational Land Grant Status Act of 1994.

21 “(2) **ACCREDITATION.**—An institution that is
22 accredited by a nationally recognized accrediting
23 agency or association determined by the Secretary to
24 be a reliable authority for the quality of training of-
25 fered, or is, according to such an agency or associa-

1 tion, making reasonable progress toward accredita-
2 tion.

3 “(b) APPLICATION.—Any institution desiring to re-
4 ceive assistance under this part shall submit an applica-
5 tion to the Secretary at such time and in such manner
6 as the Secretary may by regulation reasonably require.
7 Each such application shall include—

8 “(1) a 5-year plan for improving the assistance
9 provided by the Tribal College or University to In-
10 dian students, increasing the rates at which Indian
11 secondary school students enroll in higher education,
12 and increasing overall postsecondary retention rates
13 for Indian students; and

14 “(2) measurable goals for the institution’s pro-
15 posed activities, including a plan for how the institu-
16 tion intends to achieve the goals.

17 “(c) SPECIAL RULE.—For the purposes of this part,
18 a Tribal College or University that is eligible for and re-
19 ceives funds under this part shall not receive funds under
20 part A during the period for which the funds under this
21 part are awarded.”.

22 (b) CONFORMING AMENDMENTS.—Part F (as redes-
23 ignated by section 2(a)(1)) (20 U.S.C. 1066 et seq.) is
24 amended—

1 (1) in section 361(b)(1) (as redesignated by
2 section 2(a)(3)) (20 U.S.C. 1066(b)(1)), by striking
3 “part C)” and inserting “part E)”;

4 (2) in section 361(b)(6) (as redesignated by
5 section 2(a)(3)) (20 U.S.C. 1066(b)(6)), by striking
6 “section 357” and inserting “section 366, except
7 that for purposes of part D, paragraphs (2) and (3)
8 of such section shall not apply”;

9 (3) in section 362 (as redesignated by section
10 2(a)(3)) (20 U.S.C. 1067), by striking “part A”
11 each place the term appears and inserting “part A,
12 C, or D”;

13 (4) in section 363(a)(2) (as redesignated by
14 section 2(a)(3)) (20 U.S.C. 1068(a)(2)), by striking
15 “Native American colleges and universities” and in-
16 serting “American Indian Tribal Colleges and Uni-
17 versities”;

18 (5) in section 363(a)(3)(A) (as redesignated by
19 section 2(a)(3)) (20 U.S.C. 1068(a)(3)(A)), by in-
20 serting after “special consideration for grants
21 awarded under part B” the following: “, and of the
22 types of activities referred to in section 353 that
23 should receive special consideration for grants
24 awarded under parts C and D”;

1 (6) in section 365(a) (as redesignated by sec-
 2 tion 2(a)(3)) (20 U.S.C. 1069b(a)), by inserting “,
 3 C, or D” after “institution eligible under part B”;

4 (7) in section 366 (as redesignated by section
 5 2(a)(3)) (20 U.S.C. 1069c)—

6 (A) by striking “The funds” and inserting
 7 “(a) IN GENERAL.—”; and

8 (B) by adding at the end the following new
 9 subsection:

10 “(b) EXCEPTION.—For purposes of part D of this
 11 title, paragraphs (2) and (3) of subsection (a) shall not
 12 apply.”;

13 (8) in section 368(a) (as redesignated by sec-
 14 tion 2(a)(3)) (20 U.S.C. 1069f(a)), by inserting
 15 after paragraph (3) (as added by section 2(b)(4))
 16 the following:

17 “(4) PART D.—There are authorized to be ap-
 18 propriated to carry out part D, \$50,000,000 for fis-
 19 cal year 1999 and such sums as may be necessary
 20 for each of the four succeeding fiscal years.”; and

21 (9) in section 368(e) (as redesignated by sec-
 22 tion 2(a)(3)) (20 U.S.C. 1069f(e))—

23 (A) by striking “(3)” and inserting “(4)”;

24 (B) by striking “part C” and inserting
 25 “part E”; and

- 1 (C) by striking “section 331” and inserting
- 2 “section 341”.

